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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,376	02/26/2004	Daniel John Devine	2	4422
47386 7590 10/30/2007 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER VIDWAN, JASJIT S	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,376

Applicant(s)

DEVINE, DANIEL JOHN

Examiner

Jasjit S. Vidwan

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,10,11,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5,10,11,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/17/2007 have been fully considered but they are not persuasive. Applicant argues that prior art of record fails to teach as amended "a controller wherein said processor is integrated with said controller".
2. With respect to the above argument, **Examiner disagrees**. Applicant argues that the controller (300) of Salmonsens comprising a processor (304) is not integrated with the controller. Despite apparent inherency of the claim, Examiner had provided the Applicant with support from Salmonsens teaching that any and all circuits including Interface Controller (210), processor (304) in Salmonsens's system can be integrated with said controller or provided as separate circuits. However, Applicant citing paragraph 0056 asserted that only the interface controller might be integrated. On the contrary, Salmonsens makes no such claim in the Passage 0056, where Salmonsens states that "emulator interface controller may be implemented in any suitable technology such as ... integrated circuit." Furthermore, to highlight Examiner's position of the fact any of the processors or elements is flexible to be either integrated or stand alone, Salmonsens teaches that the Processor (304) may also be implemented as self-contained board or integrated circuit that can be installed in a computer system [see Paragraph 0153]. In light of above response, Examiner submits that prior art still reads on claimed invention and therefore the action is made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 4, 5, 10-11, 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmonsens et al, U.S. Pub No: 2004/0054689 **[herein after Salmonsens]**.

3. **As per Claim 5 and 11**, Salmonsens teaches an integrated controller **[Fig. 2, element 200 – Pg. 3, Paragraph 0033]** for use in a peripheral device for controlling high speed communications **[Page 2, Paragraph 0029, “High speed serial bus”]** between a host computer **[Fig. 3, element 342, “Computer”]** and at least one peripheral device **[Fig. 2, element 202, “Device”]**, comprising a processor **[see Fig. 3, element 304]** integrated with said controller **[see Page 14, Paragraph 0153]** for controlling communications on a bus using one or more communications functions, wherein said processor performs at least one function for said peripheral device in addition to said one or more communication functions **[see Paragraph 0064, “In various embodiments, applications and examples, the device 300 performs various functions of information storage, processing, monitoring, and display. The functions are executed by control and management elements such as the sink process, the processor, the host computer, other computational and control device in the remote network site or in other computational management and control elements inside and outside the device.”]**, wherein said processor provides processing capacity for use by said peripheral device **[see Page 3, Paragraph 0049, “The content sink 304 is typically a device that processes the content for presentation, for example, a rendering device...”]**, and wherein said high speed communications conform to a USB standard **[see Paragraph 0059]**.

4. **As per Claim 18**, Salmonsens teaches an integrated circuit **[see Paragraph 0153]** comprising a controller for high-speed communications between a host computer and at least one peripheral device **[see Paragraph 0059, “the content bus interface may enable connection to one or more of Universal Serial Bus (USB)...or any other device that produces electronic signals”]**. *Remainder of the limitations are identical to those addressed above in rejection of Claims 5 & 11.*

5. **As per Claim 4, 10 & 17**, Salmonsens as modified by Humphrey above teaches a controller wherein said at least one peripheral device employs said processor to perform each of said functions of said at least one peripheral device **[see Paragraph 0033 & 0069]**.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSV
10/25/07



10/26/07